

Appln. No. 10/613,404
Amendment
Reply to Office Action dated September 10, 2004

Docket No. 304-811

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated September 10, 2004. This amendment is timely filed.

At the time of the Office Action, claims 1-25 were pending in the application. In the Office Action, claim 1 was rejected under 35 U.S.C. §112. Claims 1, 2, 4, 5, 10-17 and 19-24 were rejected under 35 U.S.C. §102(b). Claims 3, 6-9, 18 and 25 are objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections are discussed in more detail below.

I. Objection to the Specification

The abstract was objected to because of the use of the terms "means" and "said". Appropriate amendments to the abstract are made herein to remove these terms, and withdrawal of the objection is thus respectfully requested.

II. Rejections under 35 U.S.C. §112

Claim 1 was rejected under 35 U.S.C. §112 due to the recitation of the limitation "the vicinity of a heater" in line 1, as there was deemed to be insufficient antecedent basis for this limitation, and because of the use of the term "it". Claims 1-18 were rejected because the claims did not set forth any method steps, and were missing transitional phrases. Appropriate amendments are made to the claims herein to comply with the requirements of 35 U.S.C. §112 and withdrawal of the rejections is respectfully requested.

III. Claim Rejections on Art

Claims 1, 2, 4, 5, 10-17 and 19-24 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,893,996 to Gross et al. (Gross).

Applicant notes that the prior art in form of Gross does not disclose any measuring of the temperature of the support as described in amended claim 1 of the present application. In col. 4,

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lines 40-55, Gross describes that it is possible to provide a "temperature regulator", which can generally be a timed power release. The temperature regulator is meant to replace the power controller 34, which in turn sets the power for the electric radiant heater. It is in no way disclosed or suggested or even technically possible that this temperature regulator could be used for measuring the temperature of the support, which bears the reference numeral 15.

Furthermore, a temperature regulator according to Gross, see for example col. 4, lines 40-55, is something that measures a temperature to be regulated and then influences this temperature or a source of a rise or fall of the temperature.

The measuring of temperature of the support as used in the present application is different from such a temperature regulator, because it is not an object of the invention to regulate the temperature of the support. In the description in paragraph [006] to [008] it is noted that for a temperature measurement, the influence of the metallic or ferromagnetic support of the heater can be detrimental. With a change of the temperature of the support, its influence on the resonant circuit changes. Measurement of the temperature of the support is made relatively easy as its temperature is not so high as it is above the heater. The support is easily accessible and a temperature sensor can be easily fixed to it. In the method defined in the present claims, the detrimental influence on the measuring of the temperature of a ferromagnetic saucepan caused by the change in temperature of the support can be reduced or eliminated.

As the prior art in form of Gross does not disclose the measuring of the temperature of the support of the heater, it therefore cannot disclose the correction of the measure resonant circuit parameter based upon this temperature in order to eliminate the detrimental influence of such temperature.

Furthermore, there is no hint to be found in the prior art that the temperature of the support of a heater can be measured. In addition to that, the prior art does not disclose that a measured resonant circuit parameter can be corrected.

For the foregoing reasons, claims 1 and 19 are believed to relate to patentable subject matter and are thus believed in condition for allowance. The dependent claims are also believed allowable because of their dependence upon an allowable base claim and because of the further features recited.

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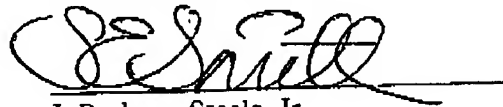
New claim 26 is added herein, which is a combination of claims 1 and 9. As the Examiner indicated claim 9 to be allowable if rewritten in independent form, claim 26 is thus believed in condition for allowance.

III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

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Respectfully submitted,



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